IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CWP No.4436 of 2006

Date of Decision: 27.11.2006

Karnail Singh .....Petitioner

Versus

State of Punjab and others .....Respondents

CORAM:- HON'BLE MR.JUSTICE J. S. KEHAR
HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.SS Swaich, Advocate
for the petitioner.

Mr.BS Chahal, AAG Punjab for the respondents.

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J.S.KEHAR, J. (Oral)

The petitioner retired on attaining the age of super-annuation on 31.12.2000. Since the retiral benefits were not released to the petitioner, he approached this Court by filing the instant writ petition claiming retiral benefits as well as interest on account of delayed payments thereof. During the course of the proceedings of the instant writ petition, an affidavit dated 10.5.2006 came to be filed by the Controller, Panchayati Raj (Finance), Department of Rural Development and Panchayats, Punjab. In paragraphs 4 and 5 thereof, the factual position is disclosed as under:

> "That as per office record amount calculated on Provident Fund from the date of qualifying service rule rule 2 (k) of the Punjab Panchayat Samitis and Zila Parishads

Employees Pension and Provident Fund Rules 2000 comes to Rs.1,29,238/-, but as per record Rs.22,540/- was received from Panchayat Samiti, Doraha and Rs.42,802/- was received from Panchayat Samiti Sanaur, totalling Rs.65,342/- (against the required amount of Rs.1,29,238/-) by way of Bank Draft resulting thereby the short receipt of Rs.63,896/- (1,29,238 – 65,342) from the Panchayat Samitis. The amount of Rs.65,342 received from Panchayat Samiti, Doraha and Sanaur is bifurcated into Rs.38,436 (12,755 + 25,681) as employee share and Rs.26,906 (9785 + 17,121) as Samiti share. To make the petitioner eligible for pension, out of the arrear of pension of Rs.98,634/- for the period from 1.1.2001 to 31.12.2002, the less receipt towards Contributory Provident Fund (Samiti share) Rs.63,896/- was adjusted and the remaining amount of arrear was released to the petitioner admitted by him.

That the office of Respondent No.2 now has received Rs.63,512/- from Panchayat Samiti Samana and Rs.10,870/- from Panchayat Samiti Ghanaur. After receiving the said amount, arrear of pension Rs.63,896/- has been sanctioned and Bank Advice dated 22.4.06 has been issued for crediting the petitioner's Bank A/c with a copy to the petitioner for information. Further arrear of Rs.10,870/- is also sanctioned and Bank Advice issued on dated 09.05.2006 under intimation to the petitioner on a/c of Contributory Provident Fund."

In view of the factual position disclosed in the affidavit dated 10.5.2006, it emerges that the petitioner has been paid his retiral benefits

including contributory provident fund. This factual position is acknowledged by the learned counsel for the petitioner. Learned counsel for the petitioner, however, contends that there is no fault whatsoever of the petitioner and that the non-payment of contribution at the hands of the Panchayat Samitis involved, cannot deprive him of interest on account of delayed payment.

The averments noticed in paragraphs 4 and 5 of the affidavit dated 10.5.2006 (extracted hereinabove) acknowledges the fault of the various Panchayat Samitis in not making payments on time, as the basis for the dues of the petitioner having been released his retiral benefits belatedly. For the aforesaid delayed payments, the respective Panchayat Samitis are, therefore, clearly responsible. While disposing of the instant writ petition, we direct respondent No.3 to calculate interest on delayed payments of the various retiral benefits to the petitioner @ 8.5%, and apportion the same amongst the respective Panchayat Samitis who are responsible for the delayed payments to the petitioner, to the extent of their liability. The interest component stated hereinabove, be released to the petitioner within three months from today.

Disposed of accordingly.

(J. S. KHEHAR)
JUDGE

(S. D. ANAND)
JUDGE

November 27, 2006
SRM